

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CHARLES HORTON,

Plaintiff,

v.

NICHOLAS DEGENNARO
AFT AGENT, et al.,

Defendants.

CIVIL ACTION FILE
NO. 1:13-CV-3869-TWT

ORDER

This is a pro se civil action by a federal prisoner against the agents and witnesses who testified against him in his criminal trial. It is before the Court on the Report and Recommendation [Doc. 8] of the Magistrate Judge recommending dismissing the action based upon the two-year statute of limitations for a Bivens action. The Court approves and adopts the Report and Recommendation as the judgment of the Court. This action is DISMISSED. The Motion to Appoint Counsel [Doc. 13] is DENIED. Eleventh Circuit case law on the appointment of counsel is quite clear. “Appointment of counsel in a civil case is not a constitutional right. It is a privilege that is justified only by exceptional circumstances.” Wahl v. McIver, 773 F.2d 1169, 1174 (11th Cir. 1985) (citations omitted). See also Steele v. Shah, 87 F.3d

1266, 1271 (11th Cir. 1996); Poole v. Lambert, 819 F.2d 1025, 1028 (11th Cir. 1987); Bass v. Perrin, 170 F.3d 1312 (11th Cir. 1999). Appointment of counsel is not required if “[t]he essential facts and legal doctrines [are] ascertainable without the assistance of court-appointed counsel.” Wahl, 773 F.2d at 1174. This is not an exceptional case. The essential facts and legal doctrines are ascertainable without the assistance of court-appointed counsel.

SO ORDERED, this 19 day of February, 2014.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge